

**ADDENDUM TO THE FACT SHEET FOR
MODIFICATION TO NPDES PERMIT WA-003093-7
DUWAMISH SHIPYARD, INC.**

The Duwamish Shipyard National Pollutant Discharge Elimination System permit WA-003093-7 requires compliance with surface water quality criteria by November 1, 2004, and the submission of an Engineering Report to meet this requirement by September 1, 2003.

The permit requires a design to collect and treat all industrial stormwater including the drydock to meet water quality criteria up to the 10-year, 24-hour design storm. This design will also protect the 303d listed sediments from Duwamish contaminated stormwater discharges.

The Department rejected the initial or previously submitted Engineering Report for the design which included parking lot and roof drain stormwater discharged to the King County collection system and treatment plant through the City of Seattle's sanitary sewer line. This needlessly added flow to pipelines which are already limited. Roof runoff and administrative parking lots do not need authorization under this permit and can be discharged directly to the Duwamish Waterway.

The Engineering Report resubmission date is extended to May 1, 2006, to allow Duwamish to comply with the City of Seattle's and King County's requirements to analyze the capacity of the sewer lines before the discharge is authorized.

The permit modification also extends the compliance schedule for attainment of the criteria to November 1, 2006. In the interim period, performance-based effluent limitations are extended as AKART. After the compliance period, surface water quality-based effluent limitations are established in Condition S1.

RESPONSIVENESS SUMMARY FOR THE DUWAMISH SHIPYARD NPDES PERMIT MODIFICATION

The Department received comments from the Puget Soundkeeper Alliance and People for Puget Sound.

1. It is unclear from the fact sheet addendum if the required Engineering Report was submitted by the required date of September 1, 2003, or which date the Department of Ecology rejected this report. Assuming that the report was received by the Department before September 1, 2003, a two-year delay in issuing the draft permit modification is unacceptable.

Response: The Engineering Report was submitted November 2, 2004. The report was disapproved on August 19, 2005, a period of nine and a half months since submittal. During this process, there was some question as to whether the City of Seattle and King County would continue to accept industrial stormwater from our local shipyards. The Department invested some time in negotiations in order to continue to require shipyards to meet state criteria within an acceptable timeframe.

2. If the Graving Dock discharges can not comply with water quality standards and the city and county will not accept the graving dock effluent and stormwater discharges into the sanitary sewer system, then the Shipyard should be required to install onsite treatment and re-engineer the graving dock.

Response: The permit requires compliance with surface water quality criteria for the Duwamish River. The most cost-effective method to meet water quality standards in the Duwamish Waterway is discharge to the sanitary sewer. If this is not achievable, then another method of meeting the criteria will be necessary.

3. We concur with Puget Soundkeeper Alliance that the Duwamish Shipyard be required to comply with the final effluent limits effective immediately.

Response: Immediate compliance is not possible. The Department does not write permits which force the Permittee into immediate noncompliance. A compliance schedule will be required to allow construction of the collection and storage system and to provide the analysis necessary for the City of Seattle and King County to allow the discharge.

4. Paragraph #1 of the "Announcement of the Availability of a Draft Wastewater Permit Modification" is in error. It states the Department is proposing to extend by one year the compliance schedule to meet water quality standards. The interim effluent limits in S1.B are proposed to be extended for 3-1/2 years from May 1, 2003, to November 1, 2006, and final effluent limits in S1.C are extended 2 years from November 1, 2004, to November 1, 2006.

Response: The Department concurs. The announcement intent was to say one year from the date of the last public announcement. The addendum to the fact sheet provided the original compliance dates for both the interim effluent limits, final limits, and the submission of the Engineering Report together with the new compliance schedules. The interim limits are extended two years for a total of three and one-half years that Duwamish will be under interim limits; the final limits are extended two years; and the Engineering Report was disapproved with the Department allowing one year for resubmission.

5. It is unclear whether Duwamish submitted a Spill Plan by September 1, 2003, as required. If no Spill Plan was provided by the deadline, why is Ecology granting a 3-year extension rather than requiring an immediate update? PSA recommends that the Duwamish Shipyard be required to submit an updated Spill Plan to Ecology on the effective date of the modified permit.

Response: The Department concurs with the recommendation. The updated Spill Plan will be required to be submitted by November 1, 2005.